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COUNTY COUNCIL

OF

HARFORD COUNTY, MARYLAND

BILL NO. 81-68 (AS AMENDED)

Introduced by Council President Hardwicke at the request of the
County Executive

Legislative Day No. 81-27 Date September 15, 1981

AN ACT to repeal Sections 2-241 through 2-244, heading, Board of Library Trustees of Article 12, heading, Agencies, Boards, Commissions and Committees of Chapter 2, heading, Administration, all part of the Harford County Code as amended and to add new Article 16, heading, Harford County Library Board to Chapter 2, heading, Administration, all part of the Harford County Code as amended; to provide for the establishment of the Harford County Board of Library Trustees as a qualified County agency; to provide that a board of trustees be created to govern the library system in Harford County; to provide for the Board's powers and duties; and generally relating to the operation of public libraries in Harford County, Maryland.

By the Council, September 15, 1981

Introduced, read first time, ordered posted and public hearing scheduled

on: October 13, 1981

at: 6:30 P.M.

By Order: Angela M. Markowski, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on October 13, 1981 and concluded on October 13, 1981.

Angela M. Markowski, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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1 Section 1. *Be It Enacted By The County Council Of Harford County,*
2 *Maryland,* that Sections 2-241 through 2-244, heading, Board of
3 Library Trustees, of Article 12, heading, Agencies, Boards,
4 Commissions and Committees, of Chapter 2, heading, Administration,
5 all part of the Harford County Code as amended, be, and they are
6 hereby repealed and that new Article 16, heading, Harford County
7 Library Board, be, and it is hereby added to Chapter 2, Adminis-
8 tration, of the Harford County Code as amended, to stand in lieu
9 of the sections repealed, all to read as follows:

10 [Section 2-241. Establishment, Board of Library Trustees.

11 (a) The Board of Library Trustees for Harford County,
12 Maryland, is hereby recognized as the legally constituted Board
13 of Library Trustees for the County and are hereby re-established
14 and established as the Board of Library Trustees for Harford
15 County, Maryland, pursuant to the provisions of Article 77,
16 Section 171(b) of the Annotated Code of Maryland; with the
17 express authority and duty to exercise all the functions,
18 powers, duties and responsibilities stated in Article 77, supra,
19 as may be amended from time to time by the State Legislature or
20 County Council.

21 Section 2-242. Board of Library Trustees - Appointment,
22 Composition, Terms, Vacancies, and Meetings.

23 (a) The appointment, composition, terms, vacancies,
24 and meetings of the Board shall be as provided in Section 172
25 of Article 77, supra, as amended from time to time by the
26 State Legislature or County Council.

27 (b) The terms of the members of the Board shall be
28 for a period of five (5) years.

29 (c) The existing members of the Board shall continue
30 to serve their existing term and such terms shall be for
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1 a period of five (5) years from the date of their appointment
2 to their present terms.

3 (d) If a vacancy occurs prior to the expiration of a
4 member's term, a successor shall be appointed to fill the
5 unexpired term.

6 Section 2-243. Agency Relationship with Harford County,
7 Maryland; Procurement.

8 (a) While the Board becomes a County agency, this
9 relationship is narrow and limited in scope by Article 77,
10 supra.

11 (b) For the purpose of procuring the services of
12 architects, engineers, and other consultants and for all
13 contracts for the purchase of land and the erection of
14 structures thereon, the Board of Library Trustees shall be
15 deemed to be an agency of Harford County, Maryland, and
16 subject to the procurement laws of Harford County, Maryland.
17 Otherwise, the Board shall not be deemed as an agency of
18 Harford County for the purposes of the procurement laws of
19 Harford County, Maryland.

20 Section 2-244. Ratification of Past Acts.

21 (a) All known contracts, obligations, and expenditures
22 of the past and presently existing Boards are hereby ratified
23 and acknowledged to be duly authorized and legal contracts,
24 obligations and expenditures of the Board of Library Trustees
25 and Harford County, Maryland.]

1 CHAPTER 2.

2 ARTICLE 16.

3 SECTION 2-280. HARFORD COUNTY BOARD OF LIBRARY TRUSTEES, CREATED.

4 (a) THE HARFORD COUNTY BOARD OF LIBRARY TRUSTEES IS HEREBY
5 CREATED AS AN AGENCY OF HARFORD COUNTY, MARYLAND PURSUANT TO THE
6 EDUCATION ARTICLE, SECTION 23-301(b)(2) OF THE ANNOTATED CODE OF
7 MARYLAND.

8 SECTION 2-281. BOARD OF LIBRARY TRUSTEES.

9 (a) COMPOSITION.

10 (1) THE HARFORD COUNTY BOARD OF LIBRARY TRUSTEES SHALL
11 CONSIST OF SEVEN (7) MEMBERS APPOINTED BY THE COUNTY EXECUTIVE
12 AND CONFIRMED BY THE COUNTY COUNCIL.

13 (2) THE COUNTY EXECUTIVE SHALL APPOINT BOARD MEMBERS
14 FROM A LIST OF NAMES NOMINATED BY THE BOARD. THE BOARD SHALL
15 NOMINATE AT LEAST THREE (3) PEOPLE FOR EVERY VACANCY.

16 (b) QUALIFICATIONS. THE MEMBERS OF THE BOARD SHALL BE:

17 (1) RESIDENTS OF HARFORD COUNTY.

18 (2) APPOINTED ON THE BASIS OF CHARACTER, ABILITY
19 AND DEMONSTRATED INTEREST IN LIBRARY MATTERS.

20 (3) REPRESENTATIVE OF THE AREAS THE LIBRARY SYSTEM
21 SERVES.

22 (c) TERM AND VACANCIES.

23 (1) EACH MEMBER OF THE BOARD SHALL SERVE FOR A TERM OF
24 FIVE (5) YEARS. THESE TERMS SHALL BE STAGGERED AS REQUIRED BY
25 THE TERMS OF THE MEMBERS SERVING ON THE BOARD AS OF JULY 1, 1981.

26 (2) A MEMBER MAY BE REAPPOINTED, BUT MAY NOT SERVE
27 MORE THAN TWO (2) CONSECUTIVE FIVE (5) YEAR TERMS.

28 (3) A MEMBER APPOINTED TO FILL A VACANCY IN AN UNEX-
29 PIRE TERM SHALL SERVE FOR THE REMAINDER OF THAT TERM, AND MAY BE
30 REAPPOINTED TO TWO (2) FULL FIVE (5) YEAR TERMS THEREAFTER.

31 (d) COMPENSATION. EACH MEMBER OF THE BOARD SHALL SERVE
32 WITHOUT COMPENSATION.

1 SECTION 2-282. OFFICERS: MEETINGS: ATTENDANCE.

2 (a) EACH YEAR THE BOARD SHALL NOMINATE ONE (1) OF ITS MEMBERS
3 AS CHAIRPERSON, SUBJECT TO APPOINTMENT BY THE COUNTY EXECUTIVE AND
4 CONFIRMATION BY THE COUNTY COUNCIL. THE CHAIRPERSON SHALL SERVE
5 AS AGENCY HEAD IN ACCORDANCE WITH SECTION 313 OF THE CHARTER.

6 (b) THE BOARD MAY, WITHOUT CONFIRMATION, ELECT ANY OTHER
7 OFFICER IT DEEMS NECESSARY.

8 (c) MEETINGS GENERALLY - THE BOARD OF LIBRARY TRUSTEES SHALL
9 DETERMINE THE TIME AND PLACE OF ITS MEETINGS AND MAY ADOPT RULES
10 FOR THE CONDUCT OF ITS MEETINGS IN ACCORDANCE WITH SECTION 807
11 OF THE CHARTER.

12 (1) THE BOARD SHALL MEET AT LEAST ONCE EVERY THREE (3)
13 MONTHS.

14 (2) ANY FINAL ACTION OF THE BOARD SHALL BE TAKEN AT A
15 PUBLIC MEETING.

16 (3) THE MINUTES OF BOARD MEETINGS SHALL BE OPEN TO
17 THE PUBLIC.

18 (d) FAILURE OF MEMBERS TO ATTEND MEETINGS.

19 (1) A MEMBER OF THE BOARD OF LIBRARY TRUSTEES WHO
20 FAILS TO ATTEND AT LEAST HALF OF THE SCHEDULED MEETINGS OF THE
21 BOARD DURING ANY CALENDAR YEAR SHALL BE DEEMED TO HAVE TENDERED
22 HIS RESIGNATION FROM THE BOARD.

23 (2) THE CHAIRPERSON OF THE BOARD OF LIBRARY TRUSTEES
24 SHALL REPORT THE MEMBER'S NAME AND NONATTENDANCE TO THE COUNTY
25 EXECUTIVE BY JANUARY 15th OF THE FOLLOWING YEAR.

26 (3) THE COUNTY EXECUTIVE MAY REJECT THE RESIGNATION
27 IF THE MEMBER EXPLAINS THE NONATTENDANCE SATISFACTORILY.

28 (4) THE RESIGNATION IS EFFECTIVE FROM THE DATE OF THE
29 FINAL REVIEW BY THE COUNTY EXECUTIVE, WHICH SHALL BE WITHIN
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1 THIRTY (30) DAYS AFTER THE REPORT IS RECEIVED FROM THE CHAIRPERSON
2 OF THE BOARD OF LIBRARY TRUSTEES. THE COUNTY EXECUTIVE SHALL FILL
3 ANY RESULTING VACANCY AS PROVIDED IN SECTION 2-281.

4 SECTION 2-283. POWERS AND DUTIES OF THE BOARD.

5 (a) FREE SERVICE - THE BOARD OF LIBRARY TRUSTEES:

6 (1) SHALL ESTABLISH AND OPERATE THE LIBRARY TO PROVIDE
7 FREE SERVICE TO RESIDENTS OF HARFORD COUNTY; AND

8 (2) MAY PERMIT PERSONS OUTSIDE OF THE COUNTY TO USE THE
9 LIBRARY FACILITIES ON THE TERMS AND CONDITIONS IT DETERMINES.

10 (b) MANAGEMENT OF LIBRARY - THE BOARD OF LIBRARY TRUSTEES
11 SHALL:

12 (1) ESTABLISH AND OPERATE LIBRARIES AT ANY LOCATION IN
13 THE COUNTY;

14 (2) DETERMINE THE POLICY OF THE LIBRARY; AND

15 (3) ADOPT REASONABLE RULES AND REGULATIONS, AND BY-LAWS
16 FOR THE USE OF THE LIBRARY AND THE CONDUCT OF ITS BUSINESS IN
17 ACCORDANCE WITH SECTION 807 OF THE HARFORD COUNTY CHARTER.

18 (c) FISCAL MATTERS - THE BOARD OF LIBRARY TRUSTEES SHALL:

19 (1) ASSIST IN THE PREPARATION OF, AND APPROVE, THE
20 LIBRARY BUDGET, AS PREPARED BY THE DIRECTOR OF THE LIBRARY, AND
21 SHALL ANNUALLY SUBMIT A BUDGET TO THE COUNTY EXECUTIVE IN ACCOR-
22 DANCE WITH SECTION 504 OF THE CHARTER; AND

23 (2) RECEIVE, ACCOUNT FOR, CONTROL AND SUPERVISE, UNDER
24 THE RULES AND REGULATIONS OF THE COUNTY, THE SPENDING OF ALL FUNDS
25 RECEIVED BY THE LIBRARY.

26 (d) PROCUREMENT MATTERS - THE BOARD OF LIBRARY TRUSTEES SHALL:

27 (1) PROVIDE THAT PURCHASES OF GOODS AND SERVICES SHALL
28 BE MADE BY LIBRARY PERSONNEL WITH THE GENERAL ADVICE OF THE
29 DIRECTOR OF PROCUREMENT FOR HARFORD COUNTY; AND

30 (2) CONFORM TO THE REQUIREMENTS OF THE COUNTY PROCURE-
31 MENT LAW FOR THE PROCUREMENT OF ANY GOODS AND SERVICES FOR CAPITAL
32 PROJECTS.

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1 (e) AUDIT AND ANNUAL REPORT - THE BOARD OF LIBRARY TRUSTEES
2 SHALL:

3 (1) MAKE AN ANNUAL REPORT TO THE COUNTY EXECUTIVE AND
4 COUNTY COUNCIL ON OR BEFORE NOVEMBER 1 OF EACH YEAR THAT SHOWS:

5 (i) THE AMOUNTS OF MONEY RECEIVED FROM THE
6 LIBRARY FUND AND OTHER RESOURCES;

7 (ii) THE ITEMIZED EXPENSES;

8 (iii) THE NUMBER OF BOOKS AND PERIODICALS THE
9 LIBRARY HAS; AND

10 (iv) ANY OTHER INFORMATION THE COUNTY EXECUTIVE
11 OR COUNTY COUNCIL MAY REQUIRE.

12 (2) THE LIBRARY OPERATIONS SHALL BE AUDITED ANNUALLY
13 IN ACCORDANCE WITH STANDARD GOVERNMENTAL AUDITING PROCEDURES.

14 (f) OTHER POWERS - THE BOARD OF LIBRARY TRUSTEES MAY:

15 (1) ACCEPT ANY GIFT, GRANT OR APPROPRIATION FOR LIBRARY
16 PURPOSES FROM ANY PERSON UNDER ANY APPROPRIATE TERMS AND CONDI-
17 TIONS;

18 (2) RECOMMEND TO THE COUNTY EXECUTIVE AND COUNTY COUNCIL
19 THE ACQUISITION, USE, OR CONVEYANCE OF PROPERTY, FOR ANY VALID
20 PURPOSE;

21 (3) SELECT THE LOCATION OF AND APPROVE PLANS FOR THE
22 ERECTION OF LIBRARY BUILDINGS IN ACCORDANCE WITH COUNTY LAWS
23 AND REGULATIONS; AND

24 (4) DO ANYTHING ELSE NECESSARY FOR THE PROPER CONTROL
25 AND DEVELOPMENT OF THE LIBRARY, CONSISTENT WITH COUNTY LAWS AND
26 REGULATIONS.

27 SECTION 2-284. LIBRARY PERSONNEL.

28 (a) APPOINTMENT OF PERSONNEL - THE BOARD OF LIBRARY TRUSTEES
29 SHALL:

30 (1) SELECT AND APPOINT A CERTIFIED PROFESSIONAL
31 LIBRARIAN AS DIRECTOR OF THE LIBRARY; AND
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1 (2) UPON RECOMMENDATION OF THE DIRECTOR, APPOINT ANY
2 OTHER NECESSARY EMPLOYEES.

3 (b) PERSONNEL POLICIES - THE BOARD OF LIBRARY TRUSTEES:

4 (1) MAY ADOPT POLICIES FOR STAFF CLASSIFICATION, SALA-
5 RIES, BENEFITS, WORKING CONDITIONS, HIRING AND TERMINATION; OR

6 (2) MAY USE THE COUNTY PERSONNEL OFFICE AND THE
7 COUNTY PERSONNEL RULES AND REGULATIONS.

8 (c) QUALIFICATIONS OF PROFESSIONAL EMPLOYEES - EACH
9 APPOINTEE TO THE PROFESSIONAL LIBRARY STAFF SHALL HOLD A CERTI-
10 FICATE OR PROVISIONAL CERTIFICATE OF LIBRARY QUALIFICATIONS ISSUED
11 BY THE STATE SUPERINTENDENT OF SCHOOLS.

12 (d) LIBRARY BOARD EMPLOYEES SHALL NOT BE CONSIDERED COUNTY
13 EMPLOYEES BUT SHALL BE THE EMPLOYEES OF THE BOARD ITSELF.

14 (e) ONLY THE BOARD MAY TERMINATE THE EMPLOYMENT OF ANY OF
15 ITS EMPLOYEES.

16 (f) DUTIES OF LIBRARY DIRECTOR - THE DIRECTOR OF THE
17 LIBRARY SHALL:

18 (1) ACT AS THE GENERAL EXECUTIVE OFFICER OF THE
19 LIBRARY AND MANAGE ITS DAILY OPERATIONS UNDER BOARD POLICIES;

20 (2) PREPARE AND PRESENT TO THE BOARD FOR ITS APPROVAL
21 THE ANNUAL BUDGET; AND

22 (3) NOMINATE, FOR APPOINTMENT BY THE BOARD, ALL CLERICAL
23 AND PROFESSIONAL EMPLOYEES IN THE LIBRARY SYSTEM.

24 SECTION 2-285. VOLUNTEER AIDES.

25 THE BOARD OF LIBRARY TRUSTEES MAY USE VOLUNTEER AIDES. THESE
26 VOLUNTEER AIDES MAY NOT REPLACE LIBRARY PERSONNEL, BUT SHALL ASSIST
27 REGULAR PERSONNEL IN CARRYING OUT THEIR DUTIES. THE BOARD OF
28 LIBRARY TRUSTEES SHALL DEVELOP GUIDELINES FOR THE SELECTION AND
29 USE OF VOLUNTARY AIDES IN ITS LIBRARY SYSTEM. VOLUNTEER AIDES
30 SHALL BE CONSIDERED AGENTS OF THE BOARD OF LIBRARY TRUSTEES FOR
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1 THE LIMITED PURPOSE OF COMPREHENSIVE LIABILITY INSURANCE COVERAGE.

2 SECTION 2-286. RATIFICATION OF PAST ACTS.

3 ALL KNOWN CONTRACTS, OBLIGATIONS AND EXPENDITURES OF THE PAST
4 AND PRESENTLY EXISTING BOARDS OF LIBRARY TRUSTEES ARE HEREBY
5 RATIFIED AND ACKNOWLEDGED TO BE DULY AUTHORIZED AND LEGAL CON-
6 TRACTS, OBLIGATIONS AND EXPENDITURES OF THE BOARD OF LIBRARY
7 TRUSTEES OF THE COUNTY.

8 Section 2. *And Be It Further Enacted By The County Council Of*
9 *Harford County, Maryland,* that the existing members of the board
10 shall continue to serve their existing terms.

11 Section 3. *And Be It Further Enacted By The County Council Of*
12 *Harford County, Maryland,* that this Act shall take effect sixty
13 (60) calendar days from the date it becomes law.

14 EFFECTIVE: January 19, 1982

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BY THE COUNCIL

Read the third time, BILL NO. 81-68 (as amended)

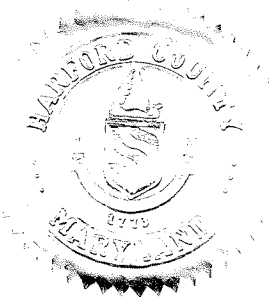
Passed LSD 81-34 (November 17, 1981)(with amendments)

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By order

Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 18th day of November, 1981
at 3:00 o'clock P.M.



Angela Markowski, Secretary

BY THE EXECUTIVE

APPROVED:

[Signature]
County Executive
Date November 20, 1981

BY THE COUNCIL

This Bill (No. 81-68 (as amended), having been approved by
the Executive and returned to the Council, becomes law on
November 20, 1981.

Angela Markowski, Secretary

Rec'd & Recorded 3-16-1982 at 1:00 P.M.
HRC Liber 7 Folio 29 & examined per
H. Douglas Chilcoat, Clerk, Harford Co.

EFFECTIVE DATE: January 19, 1982